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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: CP DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Ruben PARTIDA-Macareno,** Defendant(s)	Magistrate Case No. '08 MJ 0876 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **March 19, 2008,** within the Southern District of California, defendant **Ruben PARTIDA-Macareno** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jorge Alberto MORA-Puebla, Carlos HILDAGO-Fuentes,** and **Carlos PENA-Ruella** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20th DAY OF **MARCH 2008.**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Ruben PARTIDA-Macareno

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Jorge Alberto MORA-Puebla, Carlos HILDAGO-Fuentes, and Carlos PENA-Ruella** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 19, 2008, Border Patrol Agents J. Harris and A. Magana were assigned to roving patrol duties in the Campo Station area of operations. At approximately 5:00 AM Agents Harris encountered a blue Dodge Truck, with a grey tarp covering the bed of the truck. The truck exited Kitchen Creek Road and continued westbound on Old Highway 80. This was suspicious because there are no residences or businesses on this portion of Old Highway 80. This stretch of Old Highway 80 contains an area known as Boulder Oaks that is notorious for smugglers dropping off illegal aliens in order for them to walk around the Interstate 8 Westbound Checkpoint. Based on this information, Agents Harris decided to follow the blue Dodge down Old Highway 80 to see if it attempted to drop off aliens at Boulder Oaks. When Agents Harris closed the distance to the truck in order to run a records check on the plate, he noticed two feet sticking out from under the tarp. The driver noticed Agent Harris' presence and accelerated away from him and then abruptly pulled to the shoulder and stopped. Agents Harris and Magana identified themselves as Border Patrol Agents and conducted an immigration interview on the driver later identified as defendant Ruben PARTIDA-Macareno and the sixteen people in the truck. The defendant and the sixteen others all freely admitted to being citizens of Mexico not in possession of any documents that would allow them to remain in The United States legally. At 5:00 AM, all subjects including the defendant were arrested and transported to the Campo Border Patrol Station for processing.

DEFENDANT STATEMENT:

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. Defendant agreed to drive the load vehicle in lieu of paying smuggling fees. He said he knew what he was doing was illegal. The defendant stated that he was given a map with directions to where he was supposed to take the Dodge truck and the sixteen illegal aliens

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Jorge Alberto MORA-Puebla, Carlos HILDAGO-Fuentes, and Carlos PENA-Ruella** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay $1,000.00 to $1,800.00 (US) to be smuggled into the United States. Material witnesses **Jorge Alberto MORA-Puebla, Carlos HILDAGO-Fuentes, and Carlos PENA-Ruella** were shown a photographic line up and were unable to identify defendant **Ruben PARTIDA-Macareno** as being part of the group which whom they crossed the border with.